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UNCLAS SECTION 01 OF 02 CAIRO 009178

SIPDIS

SENSITIVE

DEPT FOR NEA/ELA AND DRL/IRF

E.O. 12958: N/A

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SUBJECT: POTENTIAL GOOD NEWS FOR EGYPT'S CHRISTIANS:
PRESIDENT MUBARAK EASES RESTRICTIONS ON CHURCH REBUILDING
AND REPAIR

Sensitive but unclassified. Please protect accordingly.

1. (SBU) Summary: President Mubarak has decreed that registered Christian groups will face new, less restrictive regulations governing repair and rebuilding of existing churches. Church repair and rebuilding has been a perennial problem for Egypt's Christians, as documented in the Department's International Religious Freedom Report and elsewhere. The new rules, which considerably diminish the regulatory process and also devolve decision making power to the governorates, are a potentially significant improvement for religious freedom in Egypt. As with most other GOE laws and regulations, the proof will lie in implementation. Post and others concerned with religious freedom will be watching closely to determine the exact impact of the new decree. End summary.

2. (SBU) The text of the President's new decree appeared on December 8 in the pro-Government newspaper Al-Gomhoriya. Post's unofficial translation is as follows:

(begin translation)

Presidential Decree No 291 for 2005

The President,

Having reviewed the Constitution and the (following) laws:

--Law 106/1976 regarding directing and organizing construction works;
--Local Government Law issued by virtue of law 43/1979;
--The Antiquities Protection Law issued by virtue of Law 117/1983;
--And Presidential Decree 13/1998 delegating authority to governors in some areas;
--And Presidential Decree 453/1999 regarding procedures for restoration of houses of worships.

Has decreed the following (291/2005):

Article I:

Governors, in their respective jurisdictions, are delegated the authority of granting permits to Christian denominations to demolish churches and construct replacements in the same locations; and to rebuild, restore, or expand existing churches. Requests for permits should be examined (by the Governors), after consulting with pertinent entities, within 30 days of the submission of the requests, which must be supported by required documents. Request for permits may not be turned down except with a justified ruling.

Article 2:

Restoration or reinforcement of existing church facilities may be conducted by virtue of a written notification from church officials to the administrative body handling organization affairs in each governorate.

Article 3:

Presidential Decree Number 453/1999 noted above is canceled.

Article 4

The decree shall be published in the official Gazette and takes effect effective the date of its publication.

(end translation)

Decree 291/2005 appeared in the GOE Gazette on December 8, 2005. We believe that it is now in force.

3. (SBU) Mubarak's last major effort to ameliorate the church repair problem came in 1999 with law 453. As noted in the Department's most recent Report on International Religious Freedom:

(begin 2005 IRFR excerpt)

In 1999, President Mubarak issued Decree 453, making the repair of all places of worship subject to a 1976 civil construction code. This decree places repair of churches and mosques on equal footing under the law. However, permits for such repairs are still subject to approval by local administrative and security officials. Even though mosque and church repairs are now subject to the same laws, authorities enforce the laws more strictly for churches than for mosques. Security officials also sometimes deny or delay permits for the supply of water and electricity. Incidents of blocked or delayed permits vary, often depending on the attitude of local security officials and the governorate leadership toward the church, and on their personal relationships with representatives of the Christian churches.

(end 2005 IRFR excerpt)

Article Two of the new decree appears to eliminate the need for church officials to wait for approval for repairs. Under the new law, they will be able simply to notify the authorities and proceed with their work.

14. (SBU) Although it is too soon to say definitively that the new decree will lead to a major improvement in religious freedom for Egypt's Christians, the initial reaction in Cairo has been favorable. Comments reported in Al-Ahram on December 8 included the following:

--Father Morcos Aziz, Priest of the Hanging Church, Old Cairo: "Our feeling of citizenship has increased."

--Hamdy Zagzoug, Minister of Islamic Endowments: "The decree emphasizes equality in demolishing/erecting houses of worship. There is now no difference between a mosque and a church. This is a decision that makes Copts happy and that we Muslims welcome."

--Adly Hussien, Governor of Qalyoubia: "I welcome this decision, which was a request of the Governors before being a request for Copts. This will entirely eliminate the problem of churches."

--General Salah Salama, Governor of Kafr El Shiekh (and rumored by Cairo salons to be a potential replacement to Interior Minister Habib Al-Adly): "The necessity is for all concerned both in churches and Executive agencies to submit the necessary documentation in order to achieve the desired result."

--Safwat Al Biady, Head of the Evangelical Church: "The decision...achieves an important desire for Christians. It is similar (in its significance) to the amendment of Article 76 of the constitution."

15. (SBU) Comment: We note several significant positive developments with the new decree:

--Basic repairs short of reconstruction can now proceed with simple notification (vice waiting for official approval);

--Demolition and reconstruction of derelict churches will be governed by decisions at the governorate level;

--The requirement that the governorates respond to reconstruction requests within thirty days suggests that Christian groups will have legal recourse to the courts if any local level officials are unduly tardy in responding to reconstruction applications.

Regrettably, the new decree does not appear to affect the issue of onerous regulations (the long-standing Homayuni Decree) governing the construction of new churches. In addition, if we see any potential problem with the new decree, it would lie with the language in Article One about the need for applications to be supported "by required documents." Local interpretation of this requirement, as well as the local views of Governors and their staffs towards Egypt's Christian minority, will now play a key role in the success of this decree. We will also be watching to see how this new decree is received by Muslim groups, especially those critical of the GOE. End comment.

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